From: John Carey
To: Microsoft ATR
Date: 1/26/02 7:57pm
Subject: Comments on Microsoft antitrust settlement

Dear Renata Hesse:

I am writing to comment on the Microsoft antitrust case settlement proposed by the U.S. Department of Justice and others.

Both as a consumer and as a software engineer, it is my view that this settlement will fail to protect the public interest from Microsoft's ongoing abuse of monopoly power.

First, let me introduce myself. My name is John Corning Carey. I am a U.S. citizen and resident of Mountain View, California. I have used computers since grade school. My training is in mathematics, but after completing my PhD analytic number theory I entered the workforce as a software engineer. Professionally, I have developed software for Microsoft Windows, Unix, and Linux operating systems. At home I use both Microsoft Windows 98 and Linux 2.4 for a variety of tasks.

Let me be the first to say that no operating system is perfect. Each has its strengths and its weaknesses. But can I choose the one that is best for the task? Sometimes I can, but all too often the answer is no, because Microsoft maintains its monopoly.

At work, I have been frustrated by Microsoft's poor documentation, especially for error messages and database connection APIs. Also, Microsoft keeps changing its APIs, rather than fixing them, making it difficult to keep up. My friends tell me about how they can't inter-operate with Microsoft products because the security protocols are secret. And when we consider switching away from Microsoft? The answer is always: no, we can't, because everyone's using Microsoft, and even if they aren't, they soon they will be. And then there are the system crashes...

At home I suffer the same crashes, and much of the software I want to run is available only for Microsoft Windows. What will I do when Windows 98 is no longer supported, and I am forced to use Windows XP? I will have to rent my software, despite the trouble and expense that entails.

So I have a strong interest in aggressive competition in the operating system market. But will the proposed settlement restore competition? I think not, because it has weak enforcement provisions, includes many loopholes, and tends to exclude small/free developers.

For example, Microsoft may be required to disclose APIs, but only

to businesses that can afford its third-party tests and perhaps non-disclosure agreements. What about open-source developers?

And if Microsoft claims that it must keep secret its file formats or file-sharing protocols out of security concerns, will we have to return to court to decide if it is within the law? That would take too long, and defeat one purpose of a settlement--to escape court.

In my view, some expedited enforcement and legal review provisions are required. Past experience indicates that there is no "good faith" when it comes to Microsoft, and software's complexity makes it hard to pre-script legal solutions.

And finally, what is to stop Microsoft from maintaining its monopoly through patented protocols and formats? They can be disclosed to the world, but nobody else can use them--unless they please Microsoft. Recently I heard that Microsoft has patented a revised version of SMB file sharing. That is death to open-source file servers.

In closing, let me say that I have benefited from some of Microsoft's software, and a competitive Microsoft could be a great help to the software industry. But a Microsoft that can do as it pleases is a great threat.

I was hoping that this case would lead to some real competition, and a flowering of alternatives. But this settlement seems to give in to Microsoft just when the government has won its case. Please consider more effective sanctions and enforcement mechanisms.

Sincerely,
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